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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/715,429	11/17/2000	Robert E. Nordquist	27617 (00-120)	7716	
22206 7:	590 02/11/2003				
	IIDER BLANKENSH	EXAMINER			
BAILEY & TIPPENS THE KENNEDY BUILDING 321 SOUTH BOSTON SUITE 800 TULSA, OK 74103-3318			O SULLIVAN, PETER G		
			ART UNIT	PAPER NUMBER	
			1621	0	
			DATE MAILED: 02/11/2003	· 6	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/715,429 Applicant(s)

Examiner

Art Unit Peter O'Sullivan

1621

Nordquist et al.

1) □ Responsive to communication(s) filed on 2a) □ This action is FINAL. 2b) ☒ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) ☒ Claim(s) 1-16	The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provision of 3 Toff 1.13 (al.). In no event, however, may a right be trimely field after SIX (6) MONTIS from the mailing date of the communication. If the period for early specified above is last shart hirty (30) days, a right, within the straturey minimum of timer (30) days will be considered timely. If the period for early specified above is last shart hirty (30) days, a right, within the straturey minimum of timer (30) days will be considered timely. If the period for early specified above is a strate than the montal active that the strategy minimum of timer (30) days will be considered timely. Failure to right within the set or extended period for right will, by strature, cause the epilication to become ABANDOWED (33 U.S.C. 1.133). Any reply necessive by the Office liber after the mailing dates of this communication, even if timely field, may reduce any served papers and the specification is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 1-16								
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2a) ☐ This action is FINAL. 2b) ☑ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4i) ☑ Claim(s) 1-16	Status							
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All Claim(s) 1-16	3) 🗆	, , , , , , , , , , , , , , , , , , ,						
is/are withdrawn from consideration. is/are withdrawn from consideration. is/are allowed. is/are allowed. is/are allowed. is/are rejected. is/are rejected.	Disposit	ion of Claims						
Signate allowed. Signate allowed. Signate allowed. Signate rejected. Signate rejected. Signate rejected. Signate objected to. Signate objected to by the Examiner. Application Papers The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). The proposed drawing correction filed on	4) 💢	Claim(s) <u>1-16</u>			is/are pending in the application.			
Claim(s) 1-16	4	a) Of the above, claim(s)			is/are withdrawn from consideration.			
Claim(s) is/are objected to. 8 Claims are subject to restriction and/or election requirement.	5) 🗆	Claim(s)			is/are allowed.			
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on	6) 💢	Claim(s) <u>1-16</u>			is/are rejected.			
Application Papers 9)		•						
Application Papers 9)	8) 🗆	Claims	are s	subject t	o restriction and/or election requirement.			
The drawing(s) filed on is/are a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of: 1 Certified copies of the priority documents have been received. 2 Certified copies of the priority documents have been received in Application No 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121. Attachment(s) 11 Notice of References Cited (PTO-892) 22 Notice of Dreftsperson's Petent Drewing Review (PTO-948) 51 Notice of Informal Patent Application (PTO-152)	Applica	tion Papers						
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1. Claims 1-16 are pending in this application which should be reviewed for errors.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 3. Claim11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 depends on itself.
- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordquist et al. Nordquist et al. disclose chitosan-derived biomaterials wherein the chitosan is glycated with sugars including galactose. Schiff base and Amadori products are also disclosed (s. second

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paragraph in column 9). Acidification to a pH of 5.5 is disclosed (s. Col. 9, Il. 44-48). Use of the glycated chitosans to form films such as on teeth or as skin substitutes is also disclosed (s. Col. 13, bottom). The instant invention differs from the teaching of Nordquist et al. in that the viscocity of the solutions are not disclosed. However, in view of the amounts of solvent and ingredients used in the examples, overlapping compositions would appear to be formed. It would have been prima facie obvious at the time the invention was made to one of ordinary skill in the art to start with the teaching of Nordquist et al., to make applicants compositions and to expect them to be useful in the treatment of cancer, in skin substitutes, pharmaceutical formulations, etc. The exact ratio of reactants and strength of solution could be determined empirically depending

6. No claim is allowed.

on the use.

7. Any inquiry concerning this communication should be directed to Peter O'Sullivan at telephone number (703)308-4526.

PETER O'SULLIVAN PRIMARY EXAMINER GROUP 1200

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